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March 16, 2021

**BY ECF**

Honorable Steven Tiscione  
United States Magistrate Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Surriel v. PANYNJ, et al.*, 19 CV 3867 (PKC) (ST)

Your Honor:


I represent plaintiff in the above-referenced matter. I write to respectfully oppose defendants' application filed earlier today at DE #49.

If it should please the Court, this is the fourth discovery application defendants have submitted to the Court without conferring in advance with plaintiff's counsel as required under Local Civil Rule 37.3 and Rule III(A) of the Court's Individual Practices. *See* DE #42, 44, 47. In each case, defendants have submitted subpoenas for so-ordered depositions without even notifying plaintiff in advance or confirming that plaintiff's counsel would be available on the date submitted to the Court for the proceeding. This is despite plaintiff's counsel's repeated invocation of the rules and specific requests to defense counsel. While plaintiff is aware of no reason why these deposition subpoenas need to be ordered by the Court, he has always been willing to confer in good faith to at least arrive at mutually convenient dates for the examinations.

Accordingly, plaintiff respectfully requests that defendants' application at DE #49 be denied and that defendants be required to confer with plaintiff in advance of any resubmitted application and any future discovery motions.

Thank you for your consideration of this request.

Respectfully submitted,

  
Gabriel P. Harvis

cc: Defense Counsel